

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

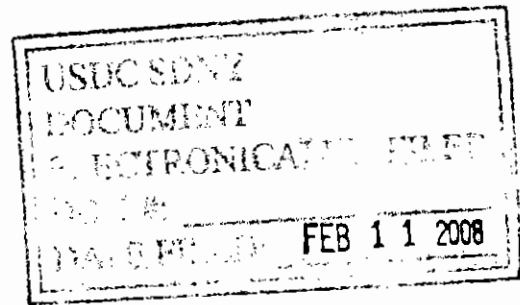
-----X
MED-ASIA SHIPPING LTD.,

Plaintiff,

-v-

OCEANIC BRIDGE INTERNATIONAL, INC.,
d/b/a OCEANIC BRIDGE INT'L INC. DALIAN
BRANCH, a/k/a DALIAN OCEANICBRIDGE
INTERNATIONAL FORWARDING CO., LTD.,

Defendants.
-----X



No. 07 Civ. 6258 (LTS)(AJP)

ORDER

Plaintiff moves for the Court to stay the above-captioned action and compel Defendant Oceanic Bridge International, Inc. ("OB") to arbitrate the dispute in this case, pursuant to 9 U.S.C. § 206. (Docket Entry No. 32.) The Court has reviewed thoroughly the papers submitted in connection with this motion. (Docket Entries Nos. 31, 34 and 35.)

The underlying fixture notes containing the arbitration clause upon which Plaintiff relies were executed in the names of Plaintiff and of the Defendant entity identified as Oceanicbridge International Inc., Dalian Branch ("OBI Dalian"). Issues have been raised as to whether OBI Dalian exists as a legal entity at all, whether it is a name under which OB does business, or whether it is an entity that is an alter ego of Defendant OB. See Thomson-CSF, S.A. v. Amer. Arbitration Assoc., 64 F.3d 773, 776 (2d Cir. 1995) (nonsignatory to arbitration agreement may be compelled to arbitrate under alter ego theory). Discovery, if requested by the parties, and evidentiary proceedings will be necessary to resolve the motion to compel arbitration. See Local Union No. 38 v. Custom Air Sys., Inc., 357 F.3d 266, 268 (2d Cir. 2004) ("arbitrability vis a vis a non-signatory is for the district court

to decide”).

The parties shall appear for a pre-trial conference before the undersigned on **February 29, 2008 at 11:30 a.m.**, to set a schedule for further proceedings with respect to the motion to compel arbitration. The parties shall promptly confer to discuss items (a), (c), (e), (f), (h) and (i) in Paragraph 3 of the Court’s July 10, 2007, Initial Conference Order. (Docket Entry No. 3.) **No later than February 22, 2008**, the parties shall file, with a courtesy copy provided for Chambers, a Joint Pretrial Statement setting forth the information identified by items (a), (c), (f), (k), (l), (m), (o), (p), (q) and (r) in Paragraph 4 of the Court’s Initial Conference Order.

SO ORDERED.

Dated: New York, New York
February 8, 2008



LAURA TAYLOR SWAIN
United States District Judge